IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3504 of 2005

Between:

Mekala Uma Maheswara Rao, S/o. Ramanjayya,
R/o. D.No. 16-247/A, Satyanarayanapuram,

Gudivada, Krishna District.

..... PETITIONER

AND

1 The Andhra Pradesh State Road Transport Corporations,

Rep. by its Managing Director,
Musheerabad, Hyderabad.
2 The Divisional Manager, A.P.S.R.T.C. Machilipatnam,
Krishna District.
3 The Depot manager, A.P.S.R.T.C. Machilipatnam,
Krishna District.
4 The Assistant Manager (T),

Controller, A.P.S.R.T.C. Machilipatnam,
Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ Order or direction declaring the impugned proceedings No. 01/437(03) /03 MTM dated 06-02-2005 on the file of the Divisional Manager, A.P.S.R.T.C Machilipatnam, as illegal, arbitrary and violative of Principles of natural justice and pass such other orders as deemed fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.D.KRISHNA MURTHY

Counsel for the Respondents: MR.R.MANMADHA REDDY

The Court at the admission stage made the following :

ORDER:

The present writ petition is filed to declare the impugned proceedings No.01/437 (03)/03 MTM, dated 06-02-2005, on the file of the Divisional Manager, A.P.S.R.T.C, Machilipatnam, as arbitrary and illegal.

The 2nd respondent-Divisional Manager, through the impugned notice has informed the petitioner, a Canteen owner, in the A.P.S.R.T.C., at Pamarru Bus Station, that a tune of Rs.47,476/- towards payment of licence fee, for the period from November, 2004 to February, 2005, plus electricity, water charges, interest accrued thereon are due from him, which tantamount to willful breach of terms and conditions of the licence deed. Therefore, the impugned notice is given directing the writ petitioner to pay the due amount within a period of seven days from the date of receipt of the said notice, failing which it is stated that his licence will be terminated.

Learned counsel for the petitioner contended that the petitioner has already paid the licence fee for the months of November and December, 2004 and therefore, unless there is default for three months, termination notice cannot be issued in pursuance of the agreement.

On the other hand, learned counsel appearing for the respondents contended that it is only a notice calling upon the petitioner to pay the arrears of licence fee and if the petitioner has paid any amounts, it is open to him to bring the same to the notice of the respondents.

As rightly contended by the learned counsel for the respondents, in case the petitioner is contending that he has paid certain amount towards licence fee for the months of November and December 2004, that has to be taken into account by the respondents. Therefore, the petitioner shall give a representation to the respondents giving all the particulars and thereafter the respondents shall take appropriate

decision in accordance with law.

The writ petition is accordingly disposed of. There shall be order as to costs.

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25-02-2005

Note: Issue C.C in three days.

B/o.

vs

To

1 The Andhra Pradesh State Road Transport Corporations,

Rep. by its Managing Director,
Musheerabad, Hyderabad.

2 The Divisional Manager, A.P.S.R.T.C. Machilipatnam,
Krishna District.

3 The Depot manager, A.P.S.R.T.C. Machilipatnam,
Krishna District.

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Krishna District.

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THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3504 of 2005

Dated: 25-02-2005

vs